

Attorney's Docket No. 3542-287



*DTE*

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Robert M. Gailey, et al.  
Appl. No.: 08/973,535  
Filed: Feb. 5, 1998  
For: Strand Material

Group Art Unit: 3741  
Examiner: W. Stryjewski

November 10, 2000

RECEIVED  
NOV 17 2000  
OFFICE OF PETITIONS

Attention: Office of Petitions  
BOX DAC  
Assistant Commissioner for Patents  
Washington, DC 20231

RECEIVED  
NOV 16 2000  
OIPET/JCWS

PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW HOLDING OF ABANDONMENT  
IN ACCORDANCE WITH MPEP §711.03(C) AND 1156 O.G. 53

Sir:

As set forth in MPEP § 711.03(c) and 1156 O.G. 53, Applicants hereby petition to have the holding of abandonment of the above-identified application withdrawn. The application was held to be abandoned for failure to respond to an Office Action mailed April 5, 1999. The following materials are submitted in support of Applicants' petition:

1. A copy of a Continued Prosecution (CPA) Request Transmittal and Petition and Fee for Extension of Time (37 CFR 1.136(a)). The required fees were paid at the time of transmittal and both documents were mailed by Express Mail to the Assistant Commissioner of Patents, Box CPA, Washington, DC 20231 on October 5, 1999; and

2. a copy of our return postcard from the United States Patent and Trademark Office showing that the Patent Office received the aforementioned Continued Prosecution (CPA) Request Transmittal, Petition for Extension and check in the amount of \$2,158.00 on October 5, 1999.

3. We note that the Notice of Abandonment of the parent was apparently mailed on October 13, 1999, eight days after the CPA and Petition were received in the Patent Office. It was therefore expected that prosecution would proceed on the continuation application. At this point no further communications have been received, however, and it is presumed that this case has been inadvertently misplaced or lost. The matter was only recently discovered in response to an inquiry from the Applicant.

RECEIVED  
NOV 24 2000  
TSC 3700 MAIL ROOM

In re: Robert M. Garley, et al.

Appl. No.: 08/973,535

Filing Date: Feb. 5, 1998

Page 2

In view of the foregoing remarks and the enclosed evidence indicating that the Continued Prosecution Application Request Transmittal, Petition for Extension and required fee were received by the Patent Office on October 5, 1999, Applicants respectfully request that the instant petition be granted and that the holding of abandonment of the application be withdrawn.

It is believed that the present petition is treated as a petition under 37 C.F.R. 1.181, and that no fee is applicable. However, if any fee is due, please charge the fee to our deposit account No. 16-0605.

Respectfully submitted,



Blas P. Arroyo  
Registration No. 31,319

**ALSTON & BIRD LLP**

Post Office Drawer 34009

Charlotte, NC 28234-4009

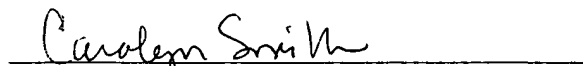
Tel Charlotte Office (704) 331-6000

Fax Charlotte Office (704) 334-2014

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service by Express Mail with sufficient postage an envelope addressed to: Office of Petitions, Box DAC, Assistant Commissioner For Patents, Washington, DC 20231, on November 10, 2000.

Express Mail Label No. EL 432825654US

  
Carolyn Smith

RECEIVED

NOV 24 2000

IC 3700 MAIL ROOM

(Blas Arroyo)

Assistant Commissioner for Patents  
Washington, DC 20231

Date 10/1/99  
File No. 35-2-287

Sir:

Kindly acknowledge receipt of the accompanying **PATENT APPLICATION**  
with Application Transmittal Cover Sheet for:

CPA

No. of Pages of Specification           

No. of Drawing Sheets           

IDS with PTO 1449 Enclosed           

Assignment with Cover Sheet Enclosed           

Other Documents Enclosed: Continued Prosecution Application  
Request Transmittal; Petition for Extension of Time

under 37 CFR 1.136(a)

Check(s) Enclosed \$ 2158.00  
by placing your receiving date stamp hereon and mailing.

Respectfully

The BELL SELTZER Intellectual Property Group  
ALSTON & BIRD LLP

Form# 42

Attorneys for Applicant

